

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARK SPANIER, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT, BMW
(US) HOLDING CORP., OLIVER
ZIPSE, HARALD KRÜGER,
NORBERT REITHOFER,
BERNHARD KUHNT, NICOLAS
PETER, and LUDWIG WILLISCH,

Defendants.

Case No. 2:20-cv-15081-CCC-AME

**STIPULATION AND
ORDER SETTING SCHEDULE
FOR (1) FILING OF AMENDED
COMPLAINT AND
(2) DEFENDANTS' RESPONSES
THERETO**

WHEREAS, on October 27, 2020, Plaintiff Mark Spanier (“Plaintiff”) filed a putative class action complaint (the “Complaint,” ECF No. 1) asserting claims pursuant to Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and Securities and Exchange Commission Rule 10b-5 against defendants Bayerische Motoren Werke AG, Norbert Reithofer, Oliver Zipse, Nicolas Peter and Harald Krüger (collectively, the “BMW AG Defendants”), BMW (US) Holdings Corp., Bernhard Kuhnt and Ludwig Willisch (collectively, the “US Defendants”) (the

BMW AG Defendants and BMW US Defendants together “Defendants” and, together with Plaintiff, the “Parties”);

WHEREAS, the Complaint asserts claims under the federal securities laws that are subject to the Private Securities Litigation Reform Act of 1995, which sets forth specialized procedures for the administration of securities class actions, including the process for the appointment of a lead plaintiff and lead counsel to represent the putative class;

WHEREAS, the Court ordered that within 21 days of appointment of a lead plaintiff, the Parties shall confer and submit a proposed schedule for any amendment of the Complaint and the time for Defendants to answer, move or otherwise respond thereto (ECF Nos. 10, 18);

WHEREAS, the Court issued an order dated July 22, 2021, appointing Plaintiff as lead plaintiff and approving his selection of The Rosen Law Firm, P.A. as lead counsel (ECF No. 20);

WHEREAS, counsel for Plaintiff and counsel for Defendants conferred regarding a schedule for the filing of Plaintiff’s amended complaint and Defendants’ responses thereto;

IT IS THEREFORE STIPULATED AND AGREED, by and between the Parties, by and through their undersigned counsel and subject to the approval of this Court, that:

1. Plaintiff shall file his amended complaint on or before September 24, 2021.
2. Defendants will answer, move to dismiss, or otherwise respond to the amended complaint on or before November 23, 2021.
3. If Defendants file dispositive motion(s) with respect to the amended complaint, then: (a) Plaintiff shall file his opposition papers on or before January 24, 2022, and (b) Defendants shall file any reply in further support of such motion(s) on or before February 23, 2022.
4. The BMW AG Defendants do not waive, and expressly preserve, any defenses (including defenses that this Court lacks personal jurisdiction over the BMW AG Defendants and defenses to the recognition and enforcement in Germany or in any other foreign jurisdiction of any judgment that may be rendered in this case), objections, motions or arguments in this matter, except as to the sufficiency of process.

Dated: July 28, 2021

/s/ Laurence M. Rosen

Laurence M. Rosen

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**IT IS SO ORDERED on this
30th day of July, 2021**

/s/ André M. Espinosa
ANDRÉ M. ESPINOSA
United States Magistrate Judge